

**WSR 21-19-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-198—Filed September 15, 2021, 4:27 p.m., effective September 18, 2021]

Effective Date of Rule: September 18, 2021.

Purpose: The purpose of this emergency rule is to [open] recreational white sturgeon retention seasons in the Columbia River from the Wauna powerlines crossing to Bonneville Dam, and in the Cowlitz River.

Citation of Rules Affected by this Order: Amending WAC 220-312-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is needed to allow a limited harvest of white sturgeon in the Columbia River below Bonneville Dam. The legal-size population is large enough to allow for a retention fishery within the lower Columbia River. This action is consistent with decisions made by the states of Washington and Oregon during the Columbia River compact hearing on March 23 and September 15, 2021. This action was restated in the Oregon and Washington departments of fish and wildlife joint staff reports on May 18, May 25, June 10, and July 7, 2021. The general public welfare is protected with the immediate and limited duration opening of recreational sturgeon fishing. This limited harvest allows for public use of the resource as well as the maintenance of a sustainable fish population. There is insufficient time to adopt permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 15, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000A Freshwater exceptions to statewide rules—Columbia River. Effective September 18 through September 25, 2021 the

provisions of WAC 220-312-060, WAC 220-312-030, and WAC 220-316-010 regarding white sturgeon retention seasons from the Wauna powerline crossing upstream to Bonneville Dam are as follows. All other provisions of WAC 220-312-060, WAC 220-316-010, and WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

From Wauna powerlines upstream to Bonneville Dam, including the Cowlitz River:

(a) It is permissible to retain white sturgeon on Saturday September 18, Sunday September 19, Wednesday September 22, Saturday September 25, and Wednesday September 29, 2021:

(i) The daily limit of white sturgeon is one fish.

(ii) Minimum fork length 44 inches. Maximum fork length 50 inches.

(b) Catch and release angling for sturgeon is permissible on days and in areas not open to sturgeon retention.

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